

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

BRANCH BANKING AND TRUST COMPANY,

Plaintiff,

vs.

COOLIDGE 135, LLC, *et al.*,

Defendants.

2:12-cv-01680-GMN-VCF

ORDER

[Motion to Withdraw as Counsel for Defendants
(#23)]

Before the Court is Defendant's Motion to Withdraw as Counsel for Defendants (#23).

Relevant Background:

On September 24, 2012, Plaintiff filed a Complaint against Defendants, asserting claims of deficiency, breach of guarantees, and breach of covenant of good faith and fair dealing. (#1). Defendants filed a Motion to Dismiss on December 3, 2012. (#9). Discovery Plan and Scheduling Order was filed on January 8, 2013. (#17). On March 11, 2013, the parties filed a Stipulation to Commence Discovery After the District Court's Ruling on Defendants' Motion to Dismiss and the Court granted the stay of discovery. (#'s 19 & 20). Defendant Juli Koentopp filed a Notice of Automatic Stay Under 11 U.S.C. § 362 and the Court granted the stay on July 24, 2013. (#'s 21 & 22). On August 14, 2013, Defendants filed the instant Motion to Withdraw as Attorney. (#23). To date, no opposition has been filed.

Motion To Withdraw As Counsel for Defendants (#23):

Mark M. Jones, Esq., Eric M. Pepperman, Esq., and the law firm of Kemp, Jones & Coulthard, LLC, seek to withdraw as counsel for Defendants Coolidge 135, Juli Koentopp and Bradley C. Shultis.

(#23). Defendants are unable to pay for any legal fees and Defendant Koentopp has filed for bankruptcy. *Id.* Defendants were advised of the Motion to Withdraw and Defendants agreed that the withdrawal is appropriate. *Id.*

Discussion:

Pursuant to Local Rule IA 10-6(b), “[n]o attorney may withdraw after appearing in a case except by leave of [c]ourt after notice has been served on the affected client and opposing counsel.” “Except for good cause shown, no withdrawal or substitution shall be approved if delay of discovery, the trial or any hearing in the case would result.” LR IA 10-6(e). Nevada Rule of Professional Conduct 1.16(b)(5) provides that a lawyer may withdraw if the “client fails substantially to fulfill an obligation to the lawyer regarding the lawyer’s services and has been given reasonable warning that the lawyer will withdraw unless the obligation is fulfilled.”

Based on Defendants’ counsel’s representation that Defendants are unable to pay for any legal fees, and that Plaintiffs do not oppose the withdrawal (#23), the Court will permit Mark M. Jones, Esq., Eric M. Pepperman, Esq., and the law firm of Kemp, Jones & Coulthard, LLC to withdraw. LR IA 10-6(b);NRPC 1.16(b)(5). Defendants’ Motion to Dismiss is fully briefed and pending in this action. As discovery is stayed and no trial date set, the Court finds that permitting Mark M. Jones, Esq., Eric M. Pepperman, Esq., and the law firm of Kemp, Jones & Coulthard, LLC to withdraw would not result in delay. LR IA 10-6(e).

A corporation is not permitted to appear in Federal Court unless it is represented by counsel, and a *pro se* litigant may not represent a corporation. 28 U.S.C. § 1654; U.S. v. *High Country Broadcasting Co., Inc.*, 3 F.3d 1244, 1245 (9th Cir. 1993); *Rowland v. California Men’s Colony*, 506 U.S. 194, 201-02 (1993). Defendant Coolidge 135, LLC must retain counsel and individual Defendant Juli Koentopp and Bradley C. Shultis must either retain counsel or file a notice of appearing *pro se* within 30 days from the entry of this order.

1 Accordingly, and for good cause shown,

2 IT IS ORDERED that the Motion to Withdraw as Counsel for Defendants (#23) is GRANTED.

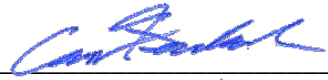
3 IT IS FURTHER ORDERED that the Clerk of the Court will mail a copy of this order to the
4 following:

5 Juli Koentopp, individually,
6 and as co-manager of
Coolidge 135, LLC
7 9115 W. Russell Road #120
Las Vegas, Nevada 89148

8 Bradley Shultis, individually,
9 and as co-manager of
Coolidge 135, LLC
10 9710 Vista Crest Ave.
Las Vegas, Nevada 89148

11 IT IS FURTHER ORDERED that Defendant Coolidge 135, LLC must retain counsel and
12 individual Defendant Juli Koentopp and Bradley C. Shultis must either retain counsel or file a notice of
13 appearing *pro se* within 30 days from the entry of this order.

14 DATED this 29th day of August, 2013.

15 
16 CAM FERENBACH
17 UNITED STATES MAGISTRATE JUDGE
18
19
20
21
22
23
24
25